

The Energy Conservation (Inspection) Rules, 2010

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The Energy Conservation (Inspection) Rules, 2010¹

[30th July, 2010]

In exercise of the powers conferred by clause (m) of sub-section (2) of Section 56 of the Energy Conservation Act, 2001 (52 of 2001), the Central Government hereby makes the following rules, namely—

1. Short title and commencement.—(1) These rules may be called the Energy Conservation (Inspection) Rules, 2010.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.—(1) In these rules, unless the context otherwise requires,—

(a) “Act” means the Energy Conservation Act, 2001;

²[(aa) “graduate engineer” means a person who has obtained a bachelor’s degree in Engineering from an University incorporated by an Act of the Central or State Legislature in India or other educational institutions established by an Act of Parliament or declared to be deemed Universities under Section 3 of the University Grants Commission Act, 1956 (3 of 1956) or any degree recognised by the All India Council for Technical Education as equivalent or has obtained a bachelor’s degree in Engineering from any foreign University or institution recognised by the Central Government;]

(b) “inspecting officer” means the inspecting officer appointed under sub-section (1) of Section 17;

(c) “section” means section of the Act.

(2) Words and expressions used herein and not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Inspecting Officer.—³(1) The designated agency may, appoint inspecting officer under sub-section (1) of Section 17 from amongst its officers holding a post equivalent or in the rank of Under Secretary to the State Government, and having minimum professional experience of three years in the field of energy conservation or energy efficiency in the State designated agencies or any Department or Office of the Central Government or a State Government.

1. Ministry of Power, Noti. No. G.S.R. 645(E), dated July 27, 2010, published in the Gazette of India, Extra., Part II, Section 3(i), dated 30th July, 2010, pp. 5-8, No. 425

2. *Ins.* by G.S.R. 13(E), dt. 7-1-2019 (w.e.f. 7-1-2019).

3. *Subs.* by G.S.R. 13(E), dt. 7-1-2019 (w.e.f. 7-1-2019). Prior to substitution it read as:

“(1) The designated agency may, appoint inspecting officer under sub-section (1) of Section 17 from amongst the officers of the State Government not below the rank of the Deputy Secretary.

(2) The inspecting officer appointed under sub-section (1) of Section 17 shall possess the qualifications specified for accredited energy auditors under clause (p) of sub-section (2) of Section 13.”

(2) No Inspecting Officer shall be appointed under sub-section (1) of Section 17 unless he is a graduate engineer.]

(3) An inspecting officer shall, at the time of carrying out inspection produce a certificate of appointment as an inspecting officer or an authority for undertaking such inspection.

(4) The inspecting officer, after recording reasons in writing, shall, wherever necessary, make consultation with accredited energy auditor, laboratory or professional organization approved by the Bureau for dealing with any one or more of the following matters relating to inspection, namely—

⁴[(a) while carrying out an inspection of—

(i) any unit (plant or building or building complex) of designated consumer or other owner of such building for ensuring compliance with the energy consumption norms or standards or the energy conservation building codes specified under clause (g) or clause (p) of Section 14; or

(ii) any premises of manufacturer for ensuring compliance with the norms and standards specified under clause (a) or clause (d) of Section 14; or

(iii) any energy intensive industry for ensuring compliance with the norms and standards specified under clause (e) or clause (f) or clause (h) of Section 14.]

(b) while testing samples of equipment specified under clause (b) of Section 14;

(c) while inspecting consignments intended to be covered under clauses (a) and (b) of Section 14;

(d) while carrying out inspection with regard to the matters specified in clause (c) or clause (d) or clause (h) or clause (i) or clause (k) or clause (l) or clause (n) or clause (r) or clause (s) of Section 14 referred to in Section 26.

⁵[Provided that the accredited energy auditor or professional organisation chosen for consultation shall not have undertaken any energy audit or done anything in relation to such unit of designated consumer or premises of manufacturer or energy intensive industry during the previous four years from the date of inspection;]

(5) The inspecting officer during the course of inspection shall report on the strengths and weaknesses in the management of energy and energy resources and recommend action to improve upon the quality of reporting data, energy management system and measures to improve energy efficiency and reduce energy consumption.

4. Subs. by G.S.R. 13(E), dt. 7-1-2019 (w.e.f. 7-1-2019). Prior to substitution it read as:

“(a) while carrying out inspections of manufacturer’s premises for ensuring compliance with the provisions contained in clauses (a) and (d) of Section 14;”

5. Ins. by G.S.R. 13(E), dt. 7-1-2019 (w.e.f. 7-1-2019).

6[4. Inspection of processes and equipment.—Where compliance to norms or energy consumption standards in respect of equipment or appliance or regulations on display of particulars on label is required the inspection report shall be made in Form-1 annexed to these rules and shall include inspection of—

- (a) a place where business in-connection with manufacture or production, or assembly, of the said equipment takes place, premises of the manufacturer, or permittee, or distributors including their warehouses, godowns, store rooms, premises of the retail outlets, traders or sellers all over the country to ensure that no model of the said equipment is manufactured, or imported, or purchased, or stored or sold without a label in violation of the provisions specified in notification issued under clause (a) or clause (d) of Section 14;
- (b) the places specified in clause (a) above to ensure that directions issued for withdrawal of the models of such equipment on account of failure of second check-testing are complied with;
- (c) the particulars displayed on the label affixed to an equipment are accurately displayed as required by the Act or notification issued or regulations made thereunder;
- (d) the promotional or advertising material published in respect of such equipment to ensure that they conform to the provisions of the Act, notification issued or regulations made thereunder and do not mislead the consumers.]

7[4-A. Inspection of designated consumers.—Where compliance to energy consumption standards specified for plants of designated consumers or building or building complex specified in clause (g) of Section 14, inspection report shall be made in Form II annexed to these rules and shall include inspection of—

- (a) operations carried out in connection with compliance with the notified energy consumption standards;
- (b) premises or units of the designated consumer including warehouses godowns to assess the total energy consumption and production;
- (c) appliances, equipment, machinery of the premises or units of the designated consumer to establish accuracy of the performance;
- (d) Verification of the data or information furnished by the designated consumer and interaction with the personnel of the units of the

6. *Subs.* by G.S.R. 13(E), dt. 7-1-2019 (w.e.f. 7-1-2019). Prior to substitution it read as:

“4. *Inspection of processes and equipment.*—(1) Where compliance to norms or energy consumption standards or display of particulars on label is required, the inspecting officer may, on receipt of directions from the designated agency, carry out inspection of the production processes or equipment.

(2) Inspection may be carried out at place of manufacture before dispatch, or at the place of its import into India, or at place of its sale.

(3) Inspection may include inspection of any operation carried on in connection with equipment or inspection or records of testing or testing of a sample or matters referred to in clause (d) of sub-rule (4) of Rule 3.”

7. *Ins.* by G.S.R. 13(E), dt. 7-1-2019 (w.e.f. 7-1-2019).

designated consumer, if further information to supplement the data submitted earlier is required.]

5. Procedure for Inspection.—(1) No inspection shall be undertaken by an inspecting officer unless it has been authorised by the designated agency.

(2) The designated agency before issuing authority for inspection shall ensure that—

- (a) information received for the purpose of inspection has been duly verified from the credible and reliable sources and the action proposed to be undertaken must be recorded in writing;
- ⁸[(b) notice specifying the scope, date and time of inspection shall be issued by the inspecting officer to the person against whom the inspection is sought and where the designated agency is satisfied that such notice may endanger the objective of inspection and defeat its purpose, it shall for reasons to be recorded in writing, dispense with the issue of such notice taking into account the following factors that such notice shall—
 - (i) give unfair advantage to the person concerned;
 - (ii) cause to be removed from the place of inspection, the equipment or appliances or books or records or documents sought to be considered for checking or verification for the purpose of ensuring compliance with the provisions of Section 26.]
- (c) the inspecting officer shall record reasons for undertaking inspection and clearly bring out its need for discharge of his duty;

(3) Notwithstanding anything contained in sub-rule (2), the designated agency, if satisfied that there are adequate reasons for undertaking such inspection may, for reasons to be recorded in writing, issue the authority and directions to the inspecting officer to carry out the inspection.

⁹[(3-A) The decision for undertaking inspection under sub-rule (1) shall be intimated to the Director-General of the Bureau, within a period of fifteen days.]

(4) Every authority issued for inspection shall be in writing under the signature and seal of the designated agency.

(5) Each inspection shall be undertaken in the presence of two respectable witnesses.

(6) All documents prepared, samples identified for test-checking, directions issued for testing, statement recorded under sub-section (2) of Section 17 in pursuance of inspection, shall be signed by the said witnesses.

(7) ¹⁰[* * *]

8. *Subs.* by G.S.R. 13(E), dt. 7-1-2019 (w.e.f. 7-1-2019). Prior to substitution it read as:

“(b) notice has been given to the person concerned against whom the inspection is sought and a reasonable opportunity of being heard has been given to him;”

9. *Ins.* by G.S.R. 13(E), dt. 7-1-2019 (w.e.f. 7-1-2019).

10. *Omitted* by G.S.R. 13(E), dt. 7-1-2019 (w.e.f. 7-1-2019). Prior to omission it read as:

“(7) A notice specifying the scope, date and time of inspection shall be issued by the inspecting officer.”

¹¹[(8) The sample of the equipment for inspection shall be taken at random from the manufacturing facility or warehouse or retail outlet after due payment, sealed properly, marked with identification mark to establish its identity and sent to a laboratory accredited by the National Accreditation Board for Testing and Calibration Laboratories and the result of the testing shall be sent by the testing laboratory, in sealed cover, by name, to the officer of the designated agency to whom the inspecting officer shall be reporting.]

(9) Any statement made or information supplied or any evidence given to the inspecting officer during inspection under the provisions of sub-section (2) of Section 17 shall be treated as confidential.

6. Inspection report.—The inspecting officer shall prepare an inspection report, bringing out clearly the violations of the provisions of the Act or rules or regulations made thereunder along with his recommendations on the action to be taken in the matter and the report shall inter-alia include—

- (a) ¹²[* * *]
- (b) the extent to which the process, equipment and appliance comply with the energy consumption norms or the energy consumption standards notified by the Central Government in relation to such process or the equipment or appliance in terms of clause (a) of Section 14;
- (c) the equipment notified for affixation of labels thereon in compliance with the regulations made in that behalf;
- (d) number of labelled equipments manufactured annually;
- (e) whether labels are printed and displayed as per regulations made in that behalf;
- (f) whether energy audit is being done regularly and as per procedure laid down in this behalf in compliance to clause (h) or clause (i) of Section 14;
- (g) whether the designated consumer is furnishing the information with regard to energy consumed and action taken on the recommendations of the accredited energy auditor in terms of Energy Conservation (Form and Manner and Time for Furnishing Information with Regard to Energy Consumed and Action Taken on Recommendations of Accredited Energy Auditor) Rules, 2008 under clause (k) of Section 14;
- (h) whether certified energy manager has been duly appointed by the designated consumer in terms of clause (l) of Section 14, and a report is being submitted to the designated agency on regular basis under the Energy Conservation (the Form and Manner for Submission of Report on the Status of Energy Consumption by the Designated Consumers) Rules, 2007;

11. *Subs.* by G.S.R. 13(E), dt. 7-1-2019 (w.e.f. 7-1-2019). Prior to substitution it read as:
“(8) The samples inspected by the Inspecting Officer shall be marked with identification mark to establish their identity.”

12. *Omitted* by G.S.R. 13(E), dt. 7-1-2019 (w.e.f. 7-1-2019). Prior to omission it read as:
“(a) age, condition, quality, status of obsolescence, and technology of the equipment generating, consuming transmitting or supplying energy installed or used by the manufacturer including designated consumer;”

- (i) whether the designated consumer, who does not fulfil the energy consumption norms and standards prescribed under clause (g) of Section 14 has prepared a scheme for efficient use of energy and its conservation and is implementing the said scheme keeping in view the economic viability of the investment in compliance of clause (o) of Section 14;
- (j) his observations on any point which he considers necessary for the purpose of promotion of energy efficiency or its conservation and enforcement of the provisions of the Act, rules and regulations made thereunder.

7. Submission of report.—¹³[(1) The inspection report shall be submitted to the designated agency within ten working days from the date of inspection.]

(2) ¹⁴[* * *]

¹⁵[(3) The designated agency shall examine the inspection report submitted by the inspecting officer and if it is satisfied on such examination and forms an opinion on the basis of the material facts contained in the said report that there is conclusive material in support of non-compliance with any of the provisions referred to in Section 26, then, it shall within two months from the date of receipt of inspection report, give directions to the inspecting officer, to file a case before the State Commission against the person concerned for such non-compliance under Section 27 and submit all material facts to prove its non-compliance against the said person, during the inquiry held by the adjudicating officer appointed by the State Commission for the purpose of imposing any penalty specified under Section 26.]

¹⁶[(4) The designated agency shall send to the Bureau, a copy of the inspection report, and the case filed, together with all the documents referred to in sub-rule (3).]

¹⁷[FORM I

[See rule 4]

(Check-List for Inspection under Standard and Labelling Programme)

(A) Manner of Display of Labels in respect of equipment covered in the labelling scheme.

- (a) Name of the Equipment or Appliance:
- (b) Variant of the Equipment or Appliance:

13. *Subs.* by G.S.R. 13(E), dt. 7-1-2019 (w.e.f. 7-1-2019). Prior to substitution it read as:

“(1) The inspection report shall be submitted to the designated agency.”

14. *Omitted* by G.S.R. 13(E), dt. 7-1-2019 (w.e.f. 7-1-2019). Prior to omission it read as:

“(2) A copy of the inspection report shall be given to the Chief Executive Officer of the designated agency and the person concerned, affording him an opportunity to prefer his defence against the course of action proposed, within thirty days of the receipt of the report or such date as may be indicated in the communication, whichever is later.”

15. *Subs.* by G.S.R. 13(E), dt. 7-1-2019 (w.e.f. 7-1-2019). Prior to substitution it read as:

“(3) The designated agency may, after taking into account the reply of the person concerned and after giving him an opportunity of being heard, give directions to the inspecting officer to initiate adjudication proceedings against the person concerned under Section 27 for imposition of penalty under Section 26.”

16. *Ins.* by G.S.R. 13(E), dt. 7-1-2019 (w.e.f. 7-1-2019).

17. *Ins.* by G.S.R. 13(E), dt. 7-1-2019 (w.e.f. 7-1-2019).

- (c) Rating of the Variant:
- (d) Model No.:
- (e) Name of the Permittee:
- (f) Whether display of label done (Yes or No);
- (g) If Yes,
 - (i) Date of Approval given by Bureau of Energy Efficiency to affix the label:
 - (ii) Validity Period of the label as per approval
 - (iii) Star level criteria specified in the Notification issued by the Central Government in the Ministry of Power under clause (a) of Section 14 of the Act:
 - (iv) Approved Star level and actually displayed:
 - (v) Contents of the label as per regulations framed under clause (d) for that equipment or Schedule of that equipment as applicable:
 - (vi) Colour and dimension of the label as per as per Bureau of Energy Efficiency (Particulars and Manners of their Display on labels of the concerned equipment) Regulations, 2009 for that equipment or Schedule of that equipment as applicable:
- (h) Correctness of the information provided in the advertising material
- (i) Numbers of labelled equipment manufactured annually:
- (j) Whether labels are printed and displayed as per regulations made including colour and dimension:
- (k) nature of non-compliance shall be explained together with all the material facts in support of non-compliance against the person concerned under Section 27 and make necessary recommendation in the matter:

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(B) In case of second test of the equipment—

- (a) Name of the equipment:
- (b) Variant of the Equipment or Appliance:
- (c) Rating of the Variant:
- (d) Model No:
- (e) Name of the Permittee:
- (f) Challenge testing requested by:
- (g) Date of Approval given by Bureau of Energy Efficiency to affix the label:
- (h) Validity Period of the label as per approval:
- (i) Star level criteria:
- (j) Star level as per approval and actually displayed:
- (k) Date and Place of Pick-up of Sample:
- (l) Name of Independent Agency for Monitoring and Evaluation:
- (m) Test Laboratory:
- (n) Start and End date of testing:
- (o) Relevant Indian Standard Code for testing:
- (p) Nature of the direction issued by the Bureau of Energy Efficiency on failure of the second test
- (q) Action taken by the permittee, on direction refer to the in p and the further direction issue by the Bureau of Energy Efficiency, if any
- (r) Recommendation made by the inspecting of research an action taken and follow up action taken.

FORM II

[See rule 4A]

Format for Inspection Report

[The inspection report should be precise, self-explanatory and representative of all facts and findings. The following format may be used for preparation of inspection report]

1. Place and Date of Inspection:

2. Name of the State Designated Agency
 3. Name of the Inspector
 4. Authority Number for undertaking Inspection

5. Brief Background of the Inspection:

- (a) Scheme for which Inspection has been undertaken
 (b) Relevant Sections for verification of compliance under Energy Conservation Act, 2001 (52 of 2001):
 (c) Sub-Component for which the inspection is done i.e. Point # (a) or (b) or (c) or (d) of the Inspection Procedure

6. Brief of the procedure followed for the inspection:

7. Findings of the Inspection done: Mention the relevant non-compliance clause of Section 14 of the Energy Conservation Act, 2001 (52 of 2001)
 Specify in detail the nature of non-compliance

8. Notification issued under relevant clauses of Section 14 of the Energy Conservation Act, 2001 (52 of 2001)-Mention details of Notification-Number, and Date; subject-matter of the Notification i.e. Rule or Regulation or Direction. Indicate Rule or Regulation number which have been non-complied

9. (Sufficient proof needs to be furnished while mentioning findings of the inspection, Specify the details of proofs)

10. Recommendation: [The recommendation should mention that whether the case is a 'Defaulter' amounting to loss or violation of Direction issued by the Central Government or Bureau of Energy Efficiency and whether the case should be referred to the authority for Inquiry or Levy of Penalty as per Energy Conservation Act, 2001(52 of 2001).]